



June 26, 2008

Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Johnson,

I am writing to express my opposition to the recent finding by the U.S. Army Corps of Engineers that only two portions of the Los Angeles River qualify as "traditional navigable water" (TNW) under the Clean Water Act (CWA).

This finding, if allowed to stand, would leave unprotected the many streams and tributaries draining into the Los Angeles River, and cause a decline in their water quality. Los Angeles has a scarcity of waterways, which requires us to maximize our limited resources - of which the L.A. River is key. To this end the City of Los Angeles and many neighborhood and civic organizations (with input from the Army Corps of Engineers) have dedicated countless hours to creating a Los Angeles River Revitalization Master Plan, a vision for ensuring water quality and restoring the natural benefits of the river as a public resource. The importance of this waterway to our region's residents cannot be overstated.

As you know, the recent U.S. Supreme Court decision in *Rapanos v. United States* was intended to preclude the CWA from regulating every pond, puddle, and ditch in the country. But by no stretch of the imagination is the L.A. River a mere pond, puddle, or ditch. Stretching 51 miles from Canoga Park to Long Beach, the river serves communities in the San Fernando Valley, East and South Los Angeles, and south to the Pacific Ocean. The Corps' action dramatically understates the River's significance, and the Corps' findings constitute a dangerous precedent that threatens important protections for many regionally significant rivers nationwide.

Substantial evidence demonstrates that the LA River is indeed navigable, including testimony and videos by pleasure boaters taking kayak trips along the entire length of the river. While this type of boating is presently prohibited for safety reasons, the fact that it has been accomplished provides credible evidence to overturn the Army Corps' finding. What's more, the Master Plan itself envisions opportunities for permitted boating and river recreation.

The objective of the Clean Water Act is to "restore and maintain the physical, chemical and biological integrity of the nation's waters." This is likewise the vision crafted by Los Angeles for the L.A. River in the Master Plan. The Los Angeles River and its feeder streams are a vital

resource to our region, and it would be the most grievous irony if this finding, ostensibly based on the Clean Water Act, were utilized to undermine that shared vision. I therefore urge you to use your authority to block the Army Corps' determination, so that the Los Angeles River and its tributaries may continue to receive the federal protections they deserve.

Sincerely,

A handwritten signature in black ink that reads "Mike Feuer". The signature is written in a cursive, flowing style with a large, sweeping "M" and a distinct "F".

Assemblymember Mike Feuer

cc: Honorable Dianne Feinstein, U.S. Senate
 Honorable Barbara Boxer, U.S. Senate
 Honorable Henry Waxman, House of Representatives